IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR NO.1371 of 2007

DATE OF DECISION: 27.7.2007

Harcharan kaur and another ...Petitioners

VERSUS

Joginder Kaur and others ...Respondents

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Sandeep Bansal, Advocate for the petitioners

Mr.C.S.Pasricha, Advocate for the respondents

Permod Kohli (Oral)

This Civil Revision is directed against the order dated 27.2.2007 passed by the Civil Judge (Jr.Division), Hoshiarpur rejecting the application of the petitioner for a direction to the plaintiff to appear in Court and provide specimen signature for comparison with the signatures on the disputed documents. This application was made under Section 73 of the Evidence Act read with Order 3 CPC. The trial court has observed that there are documents on record wherein signatures are admitted by the plaintiff and the signatures on the disputed documents can be compared with those signatures. Learned counsel has also

placed on record Annexure P-4 wherein there are as many as eight signatures which are admitted by the plaintiff and are on record. It is contended that all the signatures of the plaintiff are different. It is admitted case of the parties that the plaintiff appeared as a witness in the case and has made a statement before the court which has been duly signed by her in the presence of the Presiding Officer and the parties. If the petitioner intends to compare her signature with the signatures on the disputed document, there is enough material on record wherein the signatures of the plaintiffs are available. The expert can compare the signatures on the disputed documents with the signatures on the admitted documents and statement made in court. I fail to understand as to why the petitioner wants a direction for the personal appearance of the plaintiff for a fresh signature. The trial court has rightly rejected the application. I do not find any infirmity in the impugned order. I find no merit in this revision which is accordingly dismissed.

It has been brought to the notice of this Court that the plaintiff is of 87 years old lady. The trial court is accordingly directed to conclude the trial within four months from the date of receipt of a certified copy of this order.

(PERMOD KOHLI)
JUDGE

27.7.2007
MFK

NOTE:Whether to be referred to the Reporter or not:YES/NO